IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

RP.No. 1039 OF 2006()

AGAINST THE JUDGEMENT IN MFA.1103/2000 DATED 13/02/2006
OPMV.1636/1993 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, KOLLAM

REVIEW PETITIONERS/APPELLANTS 1 TO 5 :

1. SMT.GIRIJA,W/O.LATE M.K.VASAVAN,
ONTHIKKADU,MARAPPATTU HOUSE,
PUTHIYAKAVU,
THRIPUNITHURA.

2. M.V.DEEPA,
D/O.LATE M.K.VASAVAN,ONTHIKKADU,
MARAPPATTU HOUSE,PUTHIYAKAVU,
THRIPUNITHURA.

3. M.V.SHEEBA,
D/O.LATE M.K.VASAVAN,
ONTHIKKADU,MARAPPPATTU HOUSE,
PUTHIYAKAVU,THRIPUNITHURARA.

4. SRI.M.V.NISHA,
D/O. LATE M.K.VASAVAN,
ONTHIKKADU,MARAPPATTU HOUSE,
PUTHIYAKAVU,
THRIPUNITHURA

5. M.V.RANJITH (MINOR) AGED 16 YEARS,
S/O. LATE M.K.VASAVAN,
ONTHIKKKADU,MARAPPATTU HOUSE,
PUTHIYAKAVU,
THRIPUNITHURA.

BY ADV. SRI.T.K.KOSHY

RESPONDENTS: RESPONDENTS 1 & 3
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1. S.KANAKAN,,
S/O. SAHADEVAN,
BHARALAYAM,CHIRAKAKARA,KALLUVATHUKKAL,KOLLAM.

2. THE NEW INDIA ASSURANCE CO. LTD.,
KOLLAM.

BY ADV. SRI.KKM.SHERIF
SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.S.HARIKRISHNAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN & M.N. KRISHNAN, JJ.

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consideration.

2. We have heard both sides. We had considered the question regarding apportionment of negligence as fixed by the court below at 60:40 and also referred to the evidence on record and it is thereafter that we confirmed fixation of percentage of negligence as 60:40. The mere fact that in another case the Tribunal has apportioned the negligence at 50:50 is no be a ground for review of the judgment rendered by this Court. We find no reason to review the judgment.

Review Petition is dismissed.

P.R. RAMAN,
(JUDGE)

M.N. KRISHNAN,
(JUDGE)

knc/-